

REMARKS

Status of Claims

Claims 1 – 24 were original in the application. Claims 2 - 9 and 14 – 21 have been cancelled without prejudice. Claims 1 and 13 have been amended. Claims 25 and 26 have been added. Claims 1, 10 – 13, and 22 - 26 are submitted for examination on the merits.

Rejection Pursuant to 35 USC 102(a)

Claims 1 - 24 are rejected as being anticipated by Douglas et al US Patent 6,039,688. Regarding claims 1 – 24 the Examiner cites Douglas as teaching a method, apparatus and computer program (collectively referred to as "system", hereinafter) for promoting wellness and improving health, which employs therapeutic behavior monitoring and feedback techniques. The Examiner contends as follows. The system is capable, among other thing, of providing stress management to an appropriate group of users (Col. 5, lines 52-60) by using a so called "virtual coach" (Col. 5, line 60 - Col. 6. line 67). The virtual coach is a computer coupled to a network for downloading or capable of downloading any type or program from a remote computer, which resides at a physician's or health care's location (Col. 6. lines 14-26). Users' information can be entered to the computer; the system generates a therapeutic program including goals relating to an exercise level or stress management by correlating user information (Col. 7. lines 15- 37). The system is capable of providing a modified behavior schedule, using a personal journal or e-mail. The system changes the schedule based on information,

which is either input manually by the user or is automatically input by sensing devices attached to the user's body and connected to the computer in the system. e.g., biofeedback (Col. 7, line 54, Col. 8, line 5; Col. 8, line 50 - Col. 9, line 57; Col. 15, line 64 - Col. 16, line 25; Col. 18, lines 39-54).

Douglas is a computer system for managing diet and exercise of an individual and for motivating behavioral modification of the individual for long term health milestones. To the extent that stress management is addressed by Douglas, it involves enrolling the individual in a conventional exercise and stress reduction behavioral modification during daily living and not while communicating with the system through the computer. Douglas makes reference to FIG. 9, or a village tranquility park 72 which focuses

“ . . . on stress management strategies, including relaxation techniques, biofeedback, yoga, and meditation. Upon entering the park 72, a user may access and print articles on stress management subjects; view video clips or listen to audio clips on these subjects; and join discussion groups via a bulletin board.”

What constitutes “biofeedback” is not disclosed anywhere in Douglas nor mentioned again in the specification, and is thus not enabled. Biofeedback may simply be inputting blood pressure readings to the system on a periodic basis as part of a calendared health data reporting protocol. Stress reduction exercises 328 are mentioned without explanation, and more importantly without any suggested or disclosed use of the computer to actually perform any of the stress reduction exercises 328.

Each of these elements are entirely missing from the disclosure of Douglas. None of the cited sections of Douglas address use of the computer to actually perform the stress reduction exercises in an interactive manner. Therefore, it cannot be

sustained that Douglas anticipates each and every element of claims 1 and 13 as amended.

Rejection Pursuant to 35 U.S.C. 102(e)

Claims 1 - 4, 10 - 14 and 22 - 24 are rejected under as being anticipated by Heikkila et al US Patent 6,428,476. Regarding claims 1- 4, 10 - 14 and 22 – 24 the Examiner cites Heikkila as teaching an exercise system, i.e., stress reduction system, comprising a computer coupled to a network (Fig. 5). The Examiner contends as follows. The computer is capable of generating personalized exercise program from each individual exerciser. The computer is capable of receiving stress signal input from the exerciser (Col. 9, lines 9-43). The computer is capable of communicating over the internet (Col. 9, lines 44 - 54). The exerciser received exercise program from his or her instruction, inferred that the computer is capable of generating and transmitting an exercise program the user (Col. 7, lines 43-46).

Heikkila is generally cumulative to Douglas in that it discloses a computer generated fitness program. Heikkila never mentions stress nor any treatment of it, but is solely directed to disclosures including physical fitness. Heart rate is measured through the computer only for the purposes of evaluating the cardiac fitness of the exercise which is being performed, which is disclosed as running on a treadmill and not performing any type of mental/physical exercise through interactive feedback through the computer itself which is automatically monitoring or tailoring the stress reduction behavior at the same time.

None of the cited sections of Heikkila address use of the computer to actually

perform the stress reduction exercises in an interactive manner. Therefore, it cannot be sustained that Heikkila anticipates each and every element of claims 1 and 13 as amended.

The Examiner is requested to further note that the claimed biofeedback system and method as amended is distinguished over the art by controlling the schedule of stress reduction exercises performed through use of the computer by monitoring compliance by the user with the schedule of stress reduction exercises, and modifying **the schedule of stress reduction exercises itself** according to the compliance of the user with the schedule, according to the performance of the user in the stress reduction exercises, according to situational events to which the user is subjected, according to biofeedback from the user during performance of the stress reduction exercises or at times other than during the performance of the stress reduction exercises, according to information input into the computer by the user relating to personalized stress characteristics of the user, and/or according to information input into the computer by the user relating to personalized stress related history of the user. Thus, a dynamic, personalized and comprehensive stress reduction therapy is made available to any computer user worldwide through an internet connection, including particularly the workplace computer where many office workers spend increasing amounts of time and where stressful situations can develop and fester over the course of time, if not immediately and therapeutically, repetitively treated at the time and at the site of the stress creation. New claims 25 and 26 are similarly directed to this characteristic.

Applicant respectfully requests advancement of the claims to allowance.

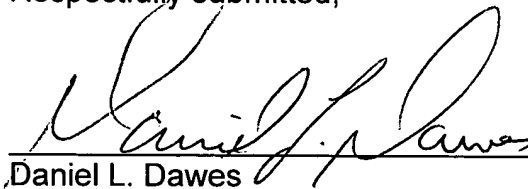
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June 6, 2006

6/6/2006

Respectfully submitted,



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